

Act against Run-awayes, and Fugitives, and these who receipts, intertaines, conceals, and not apprehends, or delates them.



AT EDINBURGH, the eleventh day of November, the year of God 1640. The Lords and others of the *Committie* of the Estates of Parliament; considering the fearfull prejudice and inconvenience likely to ensue upon the frequent disbanding & stealing away of a number of base Fugitives from their Companies and Collours: And withall, The said *Committie* of Estates, considering that the maine and principall cause of the foresaid disgracefull disbanding proceedeth from the not exemplare and exact punishment of the saids base Run-awayes and their receptors: And for the not putting of the former act and constitutions made against the saids Run-awayes, and their saids receptors, and against idle and masterlesse men to due execution. In consideration whereof, the said *Committie* of Estates doth hereby ratifie and approve that former act made against Run-awayes, masterlesse men, and these who travellet without Testimonials, of the date the twentieth day of August last by past, in the whole points thereof, requiring the same to be put to due execution by these to whom the executing of the same is intrusted and committed, as they will answer upon their highest paine. And further, the said *Committie* of Estates being now more sensible of the fearfull prejudice, which the neglect of the executing of the said former act, conforme to the tenour thereof hath produced, whereby the saids base Run-awayes have beene emboldened to disband in frequent

numbers, and are received and intertaind through all the parts of the Countrey by disaffected people, without any kinde of punishment: For remeedy whereof, and without perjudice of the said former act, except in so farre as the same is hereby innovat and reformed. The said *Committie* of Estates doth hereby straitly require and command the whole *Committies* of warre, Noblemen, Barrons, Collonels, Gentlement, Shyreffes, Magistrats of Burrows, Elders, and Constables in each Paroshon, as they will be answerable to the saids Estates of this Kingdome. That they and everie one of them doe forth-with immediatly cause make present strait and exact search, and tryall in all places where the saids Run-awayes and Fugitives, either horse or foote, shall be found and to dilate, take, apprehend, and present them before the *Committies* of warre in each division, or Shyreffes of the Shyrs, or Magistrats of the saids Burrows, where the saids Fugitives shall be apprehended. And whilkes *Committies*, Shyreffes, and Magistrats shall be oblidg'd to decimat the saids Fugitives, and to hang the tenth man of them: And if there be but one, or moe of them within ten, to cause hang one of the said number, albeit there be but one conforme to the said former act, and to send the rest to the said *Committie* of Estates at *Edinburgh* upon the expenses of the publicke, to be punished with a marke of infamie, and sent back to their Companies. And because the receptors & intertainers of the saids Fugitives, are no lesse worthie of punishment nor the saids Fugitives themselves. Therefore, it is hereby enacted, statute, and ordained, that whosoever hereafter shall keep, receive, or entertaine any Fugitives, horse or foote, and shall not delate or deliver them in manner foresaid, the said receptors shall be repute and esteemed as disaffected, and enemies to their Countrey, and Cause now in hand, and shall be accordingly punished by the said *Committie* of Estates, or *Committies* of war where they dwell. And for the better discoverie of the saids receptors, & finding out of the saids Run-awayes, and that they may have no starting holl, nor resting place within this Kingdome: The said *Committie* of Estates doth hereby statute, enact, and ordaine, that if any person within this Kingdome of whatsoever qualitie or degree, after publication of this present act, shall presume to keepe, harbour, or entertaine any Fugitive or Run-away, or shall have any knowledge or intelligence where any of the saids Fugitives or Run-awayes are, or shalbe, & shall not immediatly either delate, or deliver them in manner foresaid, the saids persons, intertainers, keepers, and concealers of the saids Fugitives, as is above prescribed, shall *ipso facto* forfeit and lose the halfe of all their moveable goods, the one halfe whereof shall be applyed for the use of the publicke, and the other halfe of the same shall pertaine to whatsoever person shall delate and qualifie the said intertainment, keeping or concealing the saids Run-awayes as is above-written: To whom the said *Committie* of Estates promiseth hereby upon their honour and credite, to grant and dispone the present right and possession of the same. And further, the saids persons, delaters of these who shall receipt, intertaine, or conceal the saids Fugitives shall bethankfully rewarded by the said *Committie* of Estates, and shall be repute and esteemed good and well affected countrey-men: And because there is a great number of all sortes of people lately come from the Armie, and from their quarters, and companies within this Kingdome, now on foote for defence thereof, whereof sundries hath obtained Passe upon assurance to returne within a short space. Therefore, it is statute and ordained, that whosoever shall not returne to their Collours within foure dayes after the publication hereof, at least immediatly after the expyryng of their Passe, shall be repute and esteemed as Fugitives and shall be lyable and subject to their censure and punishment foresaid: And if the *Committies* of war within each division, or any person being thereupon, shall be negligent in conveyeing and taking order with the saids Run-awayes, and their receptors and concealers, or shall be deficient in putting of this act together with the said former act to execution after the formes and tennors of the same, *respective*; each person of the said *Committie* of war shall be unlawed and fined by the *Committie* of Estates in the summe of three hundred pounds Scots money for each failzie *toties quoties*: And if the Ministers and Elders shall be deficient in delating, and Captaines or Constables of Paroshes, or any other Paroshiner shall be negligent in searching, apprehending, and presenting of the saids Fugitives and masterlesse men to the saids *Committies* of warre, or other Magistrats forsaids, or in putting the saids acts to due execution, so farre as concerneth their part thereof, each one of them who shall be found negligent, shall be fined by the *Committie* of warre within their bounds, or by the said *Committie* of Estates in the summe of an hundred pounds money, the one halfe of the which fines shall pertaine to the publicke, and the other halfe thereof to the parash delater of the saids negligent persons, *respective* in manner foresaid. And if it shall come to the knowledge of any person who hath or shall happen to out-reach souldiers horse or foote, that these out-reached by them are disbanded and fled from their Collours, the said out-putters of them shall be oblidged to search, seeke, and apprehend the saids Fugitives through the whole bounds of the Presbyterie where the saids out-putters dwelleth, and shall either apprehend them, or put them from that bounds: Or otherwise, in case of their neglect to doe their exact diligence therein, the saids out-putters shall be oblidged to make up their number by out-putting of men in their places, sufficiently provided in Armes and other necessities upon the saids outreachers their owne expenses. And ordaines these presents to be published at the market Crosses of all head Burghs, and the whole parosh Kirkes within this Kingdome: That none pretend ignorant hereof.